

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 26-54 are pending in the application, with claims 26-39, 44-48, and 51 being withdrawn from consideration. Claim 40 is the only independent claim subject to consideration. Claims 40 and 42 (and withdrawn claim 26) have been amended to clarify features of the subject invention and to improve their form. Claims 53 and 54 are newly added. Support for these changes can be found in the original application, as filed. No new matter has been added.

Applicants request favorable reconsideration and withdrawal of the restriction requirement, objections, and rejections set forth in the above-noted Office Action.

Restriction Requirement

The Office Action makes final the restriction election/restriction set forth in the August 12, 2003 Office Action. Applicants again traverse the restriction requirement. In particular, as the basis for making the restriction requirement final, the Examiner stated that “the method [(i.e., claim 26)] has a much larger search in that it controls the pressure in the collecting vessel, step e.” However, as noted at page 2, numbered paragraph 3 of the previous Office Action, dated August 12, 2003, independent apparatus claim 40 recites, *inter alia*, “a collecting vessel that . . . pressure-controls the collected particulate material using means for controlling the pressure of the collected particular material” As such, Applicants submit that the scope of the search for the method claims is the same as that for

the apparatus claims and, therefore, there is no proper basis for restriction between the apparatus and method claims pending in the application. Accordingly, Applicants respectfully request withdrawal of the restriction requirement and rejoinder of the withdrawn method claims.

Drawing Objections

The drawings were objected to for failing to show every feature of the invention specified in the claims. In particular, the Office Action states that “the high pressure reactor, the disposing elements and that a dissimilar fluid, in this case air, claim(s) 42, is added to the system, must be shown or the feature(s) canceled from the claim(s).”

The drawings have been amended herein to schematically depict the high pressure reactor. With respect to the “disposing elements, Applicants submit that reference numeral 16 in FIG. 1 corresponds to the “disposing elements” (now “elements”) for fluidizing the particulate material, as recited in claim 42. The disposing elements are described further in paragraph [0050] of the specification. Applicants submit that the drawings, as now presented, show every feature of the claimed invention. Accordingly, withdrawal of the drawing objections is requested.

§ 112, First Paragraph Rejection

Claims 40-43, 49, 50, and 52 were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject matter that is not sufficiently described in the specification as to enable one of ordinary skill in the art to practice the claimed invention. This rejection is respectfully traversed.

Applicants direct the Examiner's attention to paragraphs [0053] and [0058] of the specification, which describe that the discharge conduit 50 that leads from the collecting vessel is drawn to a space at essentially the same pressure as the receiving vessel 40. The level transmitter 38 detects when the collecting vessel 30 is about to get filled; valve 54 is shut; then, valve 36 is shut and valve 54 is reopened. At this point, the pressure in the collecting vessel 40 is allowed to fall to the pressure at the discharge conduit 50 (i.e., essentially the same pressure as that of the receiving vessel 40), thereby equalizing the pressures of the collecting vessel 30 and receiving vessel 40. The operation and possible constructions of the level transmitter and the valves are well known to those skilled in the art. Accordingly, Applicants submit that the specification adequately describes the control of pressure in the collecting and receiving vessels, so as to enable one of ordinary skill in the art to make and use the invention of claim 40.

§ 112, Second Paragraph Rejection

Claim 40 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for various informalities therein. Claim 40 is amended herein to address the informalities noted by the Examiner. Accordingly, Applicants submit that the claims as currently presented comply with all aspects of § 112.

Cited Art

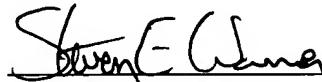
No claim of the application has been rejected on the basis of prior art. Further, Applicants submit that the invention as claimed is patentably defined over the art made of record, but not relied upon by the Examiner.

Conclusion

Applicants submit that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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